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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/837,389	04/18/2001	Russel Roy Garvey	ROC920000331US1	7672
7590	12/16/2005		EXAMINER [REDACTED]	NANO, SARGON N
Gero G. McClellan			ART UNIT [REDACTED]	PAPER NUMBER 2157
Thomason, Moser & Patterson, L.L.P. 3040 Post Oak Boulevard, Suite 1500 Houston, TX 77056-6582				

DATE MAILED: 12/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/837,389	GARVEY ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Sargon N. Nano	2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 10/3/05.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1 - 16 is/are pending in the application.

4a) Of the above claim(s) 9 is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1 - 8, 9- 16 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

**Response to Amendment**

1. This office action is response to Amendment filed on Oct. 3, 2005 . Claims 1 – 8, 10 – 16 are presented for further examination.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 – 8, 10 – 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Blumenau et al .U.S .Patent No. 6,665,714 (referred to hereafter as Blumenau).

Claims 1 – 8, 10 – 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blumenau et al., U.S. Patent No. 6,665,714

Blumenau teaches the invention as claimed including a method and apparatus for determining an identity of a network device (see abstract).

As to claim 1, Blumenau teaches a method for dynamically linking a storage space to a network server, comprising:

adding a new disk drive image to a network server description for the network server through a host server operating system, the new disk drive image corresponding to the storage space to be linked (see col. 31 , lines 15 – col. 32 line 11, Blumenau discloses adding an image of storage device);

sending a dynamic linking request from the host server operating system to a network server operating system (see col.32 lines 11 – 50 and fig. 18, Blumenau discloses dynamic linking is selected through GUI);

in response to the dynamic linking request, sending a device scanning request from the network server operating system to the host server operating system (see col. 31 , lines 50 col. 32 line 11 Blumenau discloses the available devices );

in response to the device scanning request, requesting response from each device connected to each port of a host server and reporting the new disk drive image to the network server operating system(see col. 31 , lines 50 - col. 32 line 11 and fig. 19 Blumenau discloses identifying storage devices connected to a server); and

presenting the new disk drive image to users connected to the network server. (see col. 32, lines 51 – col. 32 line 17, and fig. 19 Blumenau discloses new disks image is added on the host server to allow access to selected storage device).

As to claim 2, Blumenau teaches the method further comprising:  
locking the new disk drive image and storing open pointers of the storage space prior to sending the dynamic linking request. (see col. 31 , lines 15 – col. 32 line 11).

As to claim 3, Blumenau teaches the method wherein the storage space resides on a storage device connected to a SCSI port of a host server (see col. 7, lines 13 – 32).

As to claim 4, Blumenau teaches the method wherein the device scanning request is sent from a device driver of the network server operating system to the host server operating system. (see col. 31 , lines 50 col. 32 and fig. 19).

As to claim 5, Blumenau teaches the method wherein a disk management program on the host server operating system requests response from each device connected to each port of a host server and reports the new disk drive image to device driver of the network server operating system. (see col. 31 , lines 50 - col. 32 line 11 and fig. 19 ).

As to claim 6, Blumenau teaches the method wherein the storage space includes existing data (see fig 8B).

As to claim 7, Blumenau teaches a method for linking a storage space to an active server, comprising:

adding a new disk drive image to a server description for the server, the new disk drive image corresponding to the storage space to be linked (see col. 31 , lines 15 – col. 32 line 11).

detecting changes on a bus indicating the new disk drive image corresponding to the storage space wherein detecting changes on SCSI bus comprises:  
sending a device scanning request from a device driver of a server operating system(see col.32 lines 11 – 50 and fig. 18);

in response to the device scanning request, requesting a response from each device connected to each SCSI port of the server(see col. 31 , lines 50 - col. 32 line 11 and fig. 19 ) , and

reporting the new disk drive image to the device driver( see col. 32, lines 51 – col. 32 line 17, and fig. 19) ; and

presenting the new disk drive image to users connected to the server( see col. 32, lines 51 – col. 32 line 17, and fig. 19).

As to claim 8, Blumenau teaches the method further comprising:

after adding the new disk drive image, locking the new disk drive image and storing open pointers of the storage space (see col. 31 , lines 15 – col. 32 line 11) .

As to claim 9, Blumenau teaches the method wherein the step of detecting changes on the bus comprises:

sending a device scanning request from a device driver of a server operating system ( see col. 31 line - 50 col. 32 line 11);

requesting response from each device connected to each port of the server (see col. 31 , lines 50 - col. 32 line 11 and fig. 19 ); and

reporting the new disk drive image to the disk driver ( see col. 32, lines 51 – col. 32 line 17, and fig. 19).

As to claim 10, Blumenau teaches the method wherein the storage space includes existing data (see fig. 8B).

As to claim 11, Blumenau teaches a method for linking a storage space to an active network server, comprising:

adding a new disk drive image to a network server description for the network server through a host server operating system, the new disk drive image corresponding to the storage space to be linked, the storage space residing on a storage device connected to a port of a host server(see col. 31 , lines 15 – col. 32 line 11).

locking the new disk drive image and storing open pointers of the storage space; sending a linking request from the host server operating system to a network server operating system . (see col. 31 , lines 15 – col. 32 line 11).

in response to the linking request, sending a device scanning request from a device driver of the network server operating system to a disk management program of the host server operating system(see col.32 lines 11 – 50 and fig. 18);

in response to the device scanning request, detecting changes on a bus of the host server, requesting response from each device connected to each port of the host server and reporting the new disk drive image to the disk driver of the network server operating system( see col. 32, lines 51 – col. 32 line 17, and fig. 19) ; and

presenting the new disk drive image to users connected to the network server(see col. 32, lines 51 – col. 32 line 17, and fig. 19).

As to claim 12, Blumenau teaches the method wherein a disk management program on the host server operating system responds to the device scanning request(see col. 31 , lines 50 col. 32 line 11).

As to claim 13, Blumenau teaches the method wherein the storage space includes existing data (see fig 8B)

As to claim 14, the method of claim 1, wherein the new disk drive image is created as a file which is equivalent in size to the storage space to be linked (see col. 31, lines 50 col. 32 line 45).

As to claim 15, Blumenau teaches the method of claim 7, wherein the new disk drive image is created as a file which is equivalent in size to the storage space to be linked. (see col. 31, lines 50 col. 32 line 45). .

As to claim 16, Blumenau teaches the method of claim 11, wherein the new disk drive image is created as a file which is equivalent in size to the storage space to be linked (see col. 31, lines 50 col. 32 line 45).

***Response to Arguments***

3. Applicant's arguments filed have been fully considered but they are not persuasive. In the remarks applicant argue in substance that A) Blumenau does not disclose steps performed by a host server and by network server in response to a request. B) does not disclose scanning request from the network server operating system to the host server operating system in response to a request. In response to A) Blumenau discloses the host communicates with the disk drives in response to the user request (see col. 19 lines 10 – 30). In response to B) Blumenau discloses a user graphically connects a server to a host, in response to the connection request the host identifies all the disk devices connected to the host and the disks that the user has access to and presented to the user as shown in fig. 14 (see col. 21 line 60

– col. 22 line 28). Examiner interprets the identifying of the disks drives status and access privileges as ‘response from connected devices in response to device scanning request’.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sargon N. Nano whose telephone number is (571) 272-4007. The examiner can normally be reached on 8 hour.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sargon Nano

Dec. 8, 2005



ABDULLAHI SALAD  
PRIMARY EXAMINER